

These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>

Planning & Zoning Commission Meeting
Minutes of October 2, 2013
1st Floor North Conference Room - City Hall

Present: Vice-Chairman Jeremy Goldstein, Jim Edmonds, Jane Gianvito Mathews, Joe Minicozzi and Holly P. Shriner

Absent: Chairman Nathaniel Cannady and Ms. Kristy Carter

Pre-Meeting - 4:30 p.m.

The Planning & Zoning Commission discussed postponing their annual election of officers until November since two members were absent. They spent the rest of the pre-meeting discussing procedures for Level II projects and variances, including some specific questions about two projects on the agenda.

Regular Meeting - 5:00 p.m.

Vice-Chairman Goldstein called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Ms. Mathews moved to approve the minutes of the September 4, 2013, meeting, with minor typographical corrections. This motion was seconded by Ms. Shriner and carried unanimously by a 5-0 vote.
- ? Ms. Mathews moved to continue the appointment of Chair and Vice-Chair to the November 6, 2013, meeting due to the absence of two members at this meeting. This motion was seconded by Vice-Chairman Goldstein and carried on a 5-0 vote.

Agenda Items

- (1) **Review of a Level II site plan for the project identified as Hyatt Place located at 183 and 215 Haywood Street. The project proposes construction of a 77,600 square foot hotel building (maximum 97,494 SF) and a two-level parking structure. The property owner is Gunatit Investment, Inc. and the contact is Shaunak Patel. The property is identified in the Buncombe County tax records at PINs 9649-10-8891 and 9649-10-6676.**

Urban Planner Jessica Bernstein oriented the Commission to the site and said that the applicant is requesting review of site plans to construct a new hotel and associated parking structure in the Central Business District (CBD). This project is considered a Level II review pursuant to Section 7-5-9.1 of the UDO.

The project site consists of two adjacent parcels with a combined area of 1.40 acres and frontage on both Montford Avenue and Haywood Street (as well as along I-240). The site is zoned CBD as are adjacent and nearby parcels. This is the former location of the Three Brothers restaurant and a one-story office building. The site is at the northernmost edge of the CBD, just west of the bridge into the Montford neighborhood with the Hotel Indigo is across the street to the east, the Mountain Credit Union adjacent to the west and the Buncombe County Sheriff's Office is across Haywood to the south.

The applicant is proposing to demolish both structures on-site and to construct a hotel building with approximately 140 rooms. The hotel will be oriented at the corner of Montford and

Haywood. Also on the site is an associated surface parking area and a two-story parking structure at the western end. Plans show a building height of 74'6" to the floor of the highest occupied level (99' to the tallest architectural element) with seven-stories (eight-stories when viewed from the western end) and a gross floor area of 97,494 SF.

Primary pedestrian access will be from Haywood Street. Vehicles will access the site via three driveways, all off of Haywood Street as well. There is a looped driveway with one end as an entrance/exit and the third driveway, located at the western end of the parcel is an exit-only from the parking structure. Ten-foot sidewalks are provided along both road frontages and there is an existing bus stop at Montford Avenue shown as "to remain" on submitted plans.

Parking is provided in two ways for this proposal – there is a small surface lot in the center of the site for 6 HC-accessible spaces and a 128 space, two-story parking structure as well for a total of 134 spaces. Bike parking is provided near the building.

Landscaping is required for this project and includes street trees, parking lot landscaping for the surface lot and parking structure and a street buffer – shown as a four-foot screening wall on plans. Additionally, dumpsters are located along Haywood Street and will be screened from view.

Design review by the Downtown Commission is required and at their meeting on September 13, 2013, the Commission voted unanimously to approve the design, including the two variances detailed below.

Based on submitted plans, the following variances to design and operational standards may be needed: (1) Fenestration along Montford Avenue (38% provided); and (2) Streetwall Stepback along Montford (not provided) and Haywood Street (some provided)

The project was reviewed by the Technical Review Committee on August 19, 2013, and approved with conditions. This proposal either meets all technical standards as required by the City or appears to have the ability to comply through minor revisions and clarifications and the variances listed in this report. Based on this, staff recommends approval of the site plan and proposed development subject to these conditions.

Ms. Mathews understood that in the Central Business District there is no requirement for parking on the site; but she noted that the developer is proposing 134 spaces for the 140 room hotel. She questioned where the staff for the hotel would park. Mr. Chris Day, engineer on the project, said that they will be looking for staff-level parking, that they cannot program in that parking structure, in a pay lot in the vicinity. At this time they are moving forward with the numbers that the flag hotel chain feels comfortable with based upon how they evaluate their need for parking. Mr. Chris Allred, architect, also noted that the owner is investigating the use of valet parking for the lower parking of the deck.

When Mr. Minicozzi noted the Downtown Commission discussion about possibly adding stories to the parking deck, Mr. Day said that the economics of that are being studied. They are comfortable with the level they are at, but as the construction manager comes on board, they will evaluate that. He also noted that as the structure goes higher, the cost of the project becomes more expensive.

Mr. Minicozzi also noted the Downtown Commissions discussion about screening on the roof. Mr. Allred said that there is screening only on three sides because the mechanical equipment sits close up against the parapet. In the event the mechanical equipment moves in, they are prepared to screen all four sides. They are utilizing the design of the high parapet to provide the screening for the HVAC unit.

Mr. Minicozzi asked if the following two comments from the Downtown Commission meeting were met: (1) inclusion of cap enhancement on the north side of the building facing I-240; and (2) the use of authentic materials. Ms. Bernstein said that the Downtown Commission first looks at whether the project complies with the requirements of the UDO, and it does, with the exception of two variances which the Commission will consider after this item. The second part of the Downtown Commission's review takes into account their design guidelines which are voluntary compliance.

Vice-Chairman Goldstein opened the public hearing at 5:20 p.m., and when no one spoke, he closed the public hearing.

Ms. Mathews asked that, in the future, the Commission consider some guidelines when parking is not a requirement, but parking is provided, that there be some minimum capacity set, or a plan presented to show how off-site parking will be handled, to make sure that we have enough parking capacity in the downtown, whether it's surface lots or parking garages.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Mr. Minicozzi moved to recommend approval of the Level II site plan for the Hyatt Place hotel, located at 183 and 215 Haywood Street for a 77,600 square foot hotel building and a two-level parking structure, contingent upon the variances granted, the technical requirements being met from the Technical Review Committee, and consideration of the Downtown Commission's recommendations. This motion was seconded by Ms. Mathews and carried unanimously on a 5-0 vote.

(2) Variance requests to design and operational standards for streetwall step back and fenestration as found in 7-8-18 related to the Level II Project Review for Hyatt Place located at 183 and 215 Haywood Street. The property owner is Gunatit Investment, Inc. and the contact is Shaunak Patel. The property is identified in the Buncombe County tax records at PINs 9649-10-8891 and 9649-10-6676.

Associate City Attorney Jannice Ashley explained the procedures for this item which requires the Commission to act as a Board of Adjustment (5 members) and all testimony needs to be sworn.

City Clerk Magdalen Burleson administered the oath of office to anyone who anticipated speaking on this matter.

Ms. Ashley said that the Commissioners must base their decision on this variance on what is presented in this public hearing. Ms. Bernstein may refer to parts of the previous presentation as staff has made certain findings and conclusions. The Commissioners are free to disregard those and make their own findings and conclusions. She asked that any Commissioner who has any special knowledge of this variance disclose that at this time.

Ms. Ashley also said that the Authorized Practice Committee of the North Carolina State Bar has issued an advisory opinion that appearing in a representative capacity for a party before a local governmental body in a quasi-judicial proceeding is the practice of law, especially with respect to such aspects of the hearing as examining or cross-examining witnesses, or advocating for legal conclusions or results. This does not prevent persons, including land use professionals, from presenting information or expressing opinions within their knowledge or area of expertise.

Urban Planner Jessica Bernstein oriented the Commission to the site and said that the applicant is requesting two variances pertaining to design and operational standards found in the UDO for projects in the Central Business District (CBD):

- ? Section 7-8-18(13)a.(2) – *Streetwall step-back*: “In order to enhance the traditional scale of downtown and ensure adequate air and light at the sidewalk level and neighboring properties a step-back at the streetwall height is required.”
The streetwall is established towards the main entrance to the building at the two-story level and is clearly delineated through materials. There is a requirement for a 10 foot step-back at the streetwall height, which is partially provided along Haywood Street but not provided at all along Montford Avenue.
- ? Section 7-8-18(13)a.(5.)b. – *Fenestration*: “For buildings along streets that are not designated as key pedestrian streets, at least 50 percent of the street level façade is composed of windows, doors and other openings.”
Plans show only 38% windows along the Montford Avenue frontage.

The applicant is proposing the construction of a seven-story hotel building and a two-level parking structure at the corner of Haywood Street and Montford Avenue in the Central Business District (CBD). This project is considered a Level II review pursuant to Section 7-5-9.1 of the UDO.

Per the review process in Section 7-5-9.1(b)(10), the Downtown Commission provides a recommendation on all variance requests considered by the Planning & Zoning Commission. The Downtown Commission reviewed the plans and the variance requests at their meeting on September 13, 2013, and recommended support with a vote of 9-0.

FINDINGS:

Conclusion 1 - There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.

Test 1 - If made to comply with the provisions of the ordinance, the property owner cannot make reasonable use of the property.

Streetwall Step-back: The subject property is long but quite narrow which makes for a somewhat challenging buildable area, especially given that the UDO requires buildings to be at the corner on a corner lot (the most narrow spot on the site at only a little more than 50 feet wide at Montford Avenue). The applicant contends that further reducing the building footprint by 10 feet on both frontages will not allow the property to be developable. Staff agrees that this requirement plus the shallow lot depth provides real practical difficulties when further encumbered by additional step-backs.

Fenestration: The narrow site width makes providing egress locations required by Building Code somewhat challenging as well, especially given that the northern property boundary is a controlled access area for the Department of Transportation which limits the ability to place safe discharge and dispersal areas along this long stretch of frontage. Code requirements for the egress stair tower located on the northeast corner (Montford Avenue) result in the design providing less than the required amount of fenestration. Staff agrees that there are practical difficulties due to the narrow site, restricted access along the northern property edge and Building Code requirements for locating the egress that impact the ability to comply with the ordinance.

Test 2 - The hardship of which the applicant complains results from unique circumstances related to the applicant's land.

Streetwall Step-back: As stated above, the circumstances of the hardship relate to the narrow lot width and the requirement to place a building at the most narrow location (the corner).

Fenestration: Similar to the previous answer, the circumstances of the hardship are directly linked to the narrow lot width when coupled with Building Code egress requirements.

Test 3 - The hardship is not the result of the applicant's own actions.

Streetwall Step-back: The hardship is inherent to the narrow width of the lot itself and is not the results of the applicant's own actions. Staff feels these same challenges would face another applicant with a different development proposal as well.

Fenestration: As stated above, the hardship is directly linked to the narrow site, restrictive northern boundary and Building Code life safety requirements.

Conclusion 2 - The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

Streetwall Step-back: The purpose of the streetwall step-back is to "enhance the traditional scale of downtown and ensure adequate light and air at the sidewalk level and neighboring properties," and per section 7-8-18(13)a.(1.)e. of the UDO, "a variance may be sought..from the step-back requirements by meeting design guidelines that specify a clear visual demarcation provided between the base of the building and upper floors corresponding to the height of the streetwall." In this case, the color and material of the base (reddish brick veneer) is clearly differentiated from the upper floors (smooth yellow or gray metal vertical panels). This was found by the Downtown Commission to be an acceptable application of the guidelines as spelled out in the variance process. Additionally, due to the particular location of this site outside of the downtown core, the purpose of the streetwall step back is less pertinent and the spirit of the ordinance is preserved through the visual distinction provided between façade materials.

Fenestration: Fenestration is required because it enhances the character of downtown by providing features of visual interest at the sidewalk for the benefit of pedestrians and defines the scale of buildings between the ground and upper floors. Reducing the fenestration along Montford Avenue from 50 percent to 38 percent keeps with the general purpose in that the pedestrian environment is still active along this frontage with large windows as the building wraps around to Haywood Street (which is the primary frontage). The area with no windows is at the northeast corner of the building adjacent to the highway overpass and is only approximately 12 feet in length. The egress location is essential and through the design, does not dominate the entire Montford Avenue frontage, thus providing for the safety of hotel guests while still keeping in harmony with the intent of the ordinance along the remainder of the frontage.

Conclusion 3 - The granting of the variance secures the public safety and welfare and does substantial justice.

Streetwall Step-back: With the significant "openness" around this site from the wide right-of-way along the highway and its location at the edge of the downtown, the pedestrian environment is not at risk as it might be in the more densely developed core. The requested variance to eliminate the 10 foot step-back at the

streetwall will not compromise public safety or welfare and does substantial justice.

Fenestration: The variance to reduce the fenestration along Montford Avenue from 50% to 38% is expressly for the purposes of life safety requirements and therefore supports and secures public safety and welfare and does substantial justice.

The Downtown Commission reviewed the application and supports the requested variances. Staff recommends approval of the requested variance:

- 1) Elimination of the ten foot streetwall step-back.
- 2) Reduction of the ground level fenestration from 50 percent to 38 percent provided.

Staff finds this request to be reasonable and support the goals of downtown and other City adopted plans.

Vice-Chairman Goldstein opened the public hearing at 5:31 p.m. and when no one spoke, he then closed it at 5:31 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Shriner moved to grant a variance for the elimination of the ten foot streetwall step-back. This motion was seconded by Vice-Chairman Goldstein carried unanimously on a 5-0 vote.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Vice-Chairman Goldstein moved to grant a variance for the reduction of the ground level fenestration from 50% to 38% provided. This motion was seconded by Mr. Minicozzi carried unanimously on a 5-0 vote.

- (3) **A request for a Conditional Zoning from Commercial Industrial District and River District to Urban Place District/Conditional Zoning on 3.26 acres at the intersection of Clingman Avenue Extension and Roberts Street for a project known as RAD Lofts. The request is being made to facilitate a mixed used development containing 209 residential units, 42,776 square feet of retail space, 13,116 square feet of office space, 338 parking spaces contained within a two level parking structure, 24 off-street parking spaces and 16 new on-street parking spaces and includes a modification on building size. The owner is listed at Roberts Street, LLC and the developer is RAD Lofts, LLC. The project contact is Matt Sprouse, PLA. The property is identified in the Buncombe Count Tax records at PINs 9648.07-2183 and 9648.06-1953.**

Ms. Mathews disclosed that her architecture firm is working on two projects with Sitework Studios as a consultant. Mr. Matt Sprouse is the agent of this project and a principal of Sitework Studios. She is not consulting on this project nor has she had any involvement with this project. It was the opinion of Associate City Attorney Ashley said that Ms. Mathews does not have a conflict of interest that would prohibit her from participating in this matter. The Planning & Zoning Commission members do not have a concern of Ms. Mathews' participation.

Urban Planner Jessica Bernstein oriented the Commission to the site and said that the applicant is requesting a Conditional Zoning for two parcels located at 146 Roberts Street from CI (Commercial Industrial) and River to UP (Urban Place District) – Conditional Zone in accordance with Section 7-7-8 of the UDO, for the construction of a mixed-use development.

The project site consists of two separate parcels with a combined area of approximately 3.26 acres and frontage on Roberts Street, Clingman Avenue and Park Avenue (north) in the River Arts District. The main parcel for development is 2.88 acres in size and is zoned Commercial Industrial (CI). The second parcel (0.379 acres) is located across Roberts Street to the south and is currently zoned River District. Adjacent parcels are similarly zoned.

The project area is currently vacant but was most recently the site of Dave Steel. The main building from that use was removed and all remaining structures (railroad tracks, walls and a small building) are to be removed.

The applicant is proposing the construction of a mixed-use development including residential, retail and office spaces and parking, both structured within the development as well as a small separate surface lot. A total of 209 residential units are proposed with 141 1-bedroom and 68 2-bedroom units. There are 26 retail spaces designated (42,776 square feet gross area) and 11,656 square feet of office space (13,116 square feet gross area) shown on submitted plans.

The design incorporates seven buildings with a shared base of structured parking. The buildings range from two to seven stories (no height exceeds 75 feet). Building A fronts on Roberts Street (5-levels); buildings B and C are more interior to the site with rear frontage on Park Avenue (up to 7-levels); Building D is almost fully interior to the site (6-levels); and buildings E, F and G front on Clingman Avenue (4, 2 and 3-levels).

There are to be two access points into the site, one two-way driveway into Building A from Roberts Street and another two-way driveway into the parking structure between buildings D and E on Clingman Avenue. The separate parking lot will have two single-access driveways off Roberts Street. New sidewalks are shown along both sides of Roberts Street as well as the project frontage on Clingman Avenue and range from 6 to 12 feet in width. There is an existing 5 foot sidewalk along the Park Avenue frontage. Additionally, the project has been designed to incorporate ample areas of pedestrian amenities both at the corner of Clingman and Roberts as well as the public pedestrian promenade through the site.

This project incorporates parking in several locations. The largest is a 338-space parking structure within the development; the standalone parking lot on a separate parcel across Roberts Street to the south indicates 24 spaces (2 HC accessible) and approximately 15 other on-street spaces will be delineated through streetscape enhancements. Bike parking is also included throughout the site.

Landscaping is required on the site and includes street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area – almost 15% has been provided, mainly through the urban-style amenities in the pedestrian promenade.

Modifications:

1. **Building Size** – For buildings exceeding three stories, the maximum footprint is limited to 50,000 square feet with a maximum gross floor area of 200,000 (unless a variance is requested). “Building 1” has a gross floor area of approximately 223,882 square feet. *This modification must be granted by City Council.*
2. **Sidewalks** – There are three locations where the sidewalks do not meet the required 10 foot width: existing sidewalks along Park Avenue are only 5 feet; sidewalk proposed along the surface parking lot on Roberts Street is only 6 feet and there is a stretch along Clingman Avenue that is only 8 feet. Per the UDO, approval by the City Traffic Engineer

is needed for the insufficient width and has been granted based on topography and site restrictions.

The Urban Place zoning district was created to foster “higher density, mixed-use development that is economically viable, pedestrian oriented, visually attractive and contributing to the place making character of the City...to enhance the streetscape and offer a wide range of complementary land uses and employment opportunities...[and] intended in areas where the appearance of the built environment is important to the vitality of the area.” Additionally, the zoning district was created with areas along the French Broad River in mind. Staff believes that this location in the River Arts District is ideal for Urban Place zoning. Although the uses proposed would have been acceptable in the underlying zoning, Urban Place offers a greater residential density (64 units per acre verses 16 – or 209 units for the project rather than 38 units) appropriate for this location.

This project was approved with conditions by the Technical Review Committee on September 16, 2013. Approval by City Council and Final TRC review is required prior to issuance of a zoning permit. An informational review by the River District Design Subcommittee was held on September 25, 2013.

Staff has received comments from the public relating to the elimination of on-street parking along Clingman Avenue, the increased traffic flow through existing traffic patterns and maintaining affordability of spaces for both living and working.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

The proposed project has been reviewed by City staff and appears to meet all public health and safety related requirements. The project must meet the technical standards set forth in the *UDO*, the *Standards and Specifications Manual*, the *North Carolina Building Code* and other applicable laws and standards that protect the public health and safety.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

This site was previously developed and has a +/- 35 foot grade change from Park Avenue down to the Robert Street / Clingman Avenue intersection with a steep bank along the northern end. The proposal focuses development activity (retail spaces, pedestrian plaza and walkways, parking garage entrances) down towards the previously graded areas and leaves the rear bank intact, more or less, functioning as the “back” of the site. Working with the grade changes on the parcel, the structured parking is only “exposed” along the rear of the site where there is no public interaction, integrating the design into the natural and topographic features on the parcel.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

The development is expected to complement the adjacent shops, studios and uses and add to the fabric of the River Arts District in a valuable way. Streetscape improvements will greatly improve the pedestrian experience along Roberts Street and Clingman Avenue and the addition of parking in several locations will be a benefit to the area. The design standards in Urban Place zoning are crafted to promote activity along the ground

level and placing residential units on floors above is a positive addition to the area as a neighborhood. The mix of uses should fit well with the immediate area and is not expected to injure the value of abutting properties.

Concern has been expressed from several members of the public that the units (both residential and commercial) should be kept at affordable rates so that spaces for emerging artists in the district will not be priced out of reach.

4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

This type of mixed-use, high density development is ideal (and intended) for areas such as the River Arts District and while the buildings are taller than most in the immediate area, the scale of the structures is mitigated through façade planes, step-backs, balconies and material differentiations as well as ample pedestrian areas between and around the buildings. Many of the existing buildings along Roberts Street are two stories from the street (taller behind due to grade changes) but in the style of these old industrial buildings, they are much taller overall than typical two-story buildings constructed today, resulting in a feeling of a larger scale. Also, new development continuing south on Depot Street (Glen Rock) has set a precedent for taller construction in the area. The design incorporates a more “industrial” look which should complement the existing built environment and there are creative amenities incorporated into the site which are in harmony with the character of the area (community garden spaces for example).

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

Elements of the overall project are directly aligned with the City’s goals and objectives including mixed-use infill development, economic investment in an area of notable cultural activity, multi-modal transportation elements that enhance walkability (new sidewalks and ample pedestrian areas, bike racks) and supporting residential uses in neighborhoods close to downtown.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

This site in the River Arts District places the project in an easily accessible location by car, foot, bicycle and is proximate to two Asheville transit routes (W1 and W2). The project has been reviewed by the Technical Review Committee and has been found to have adequate access to infrastructure.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

Based on a review of the Traffic Impact Study, prepared by JMT Engineering, the proposed use should not cause undue traffic congestion or create a traffic hazard if the recommendations of the TIS are complied with.

Pros:

- ? City goals support mixed-use development, especially providing residential uses in a walkable location proximate to transit and the Central Business District
- ? Streetscape improvements will greatly enhance the pedestrian experience along Roberts Street and Clingman Avenue Extension.
- ? Structured parking is integrated into the site design so that it is masked from the street by habitable and active uses.
- ? Urban Place zoning sets forth specific design and operational standards to ensure a development that will integrate into the area and enhance the activity at the street level.

Cons:

- ? A modification is needed to allow a building footprint size larger than the district allows (*staff is supportive of this request since other design characteristics mitigate the building size*).
- ? No designated affordable retail or residential units (*affordability is not a requirement*).

Staff recommends supporting the requested conditional zoning to Urban Place to support this development proposal, especially for the increased residential density. The streetscape enhancements, structured parking, thoughtful design and mix of uses should complement the activities already in the River Arts District.

When Ms. Shriner asked if there was any requirement for maintaining affordability of spaces in the Urban Place District or the River District, Ms. Bernstein said there was not.

There was discussion about the on-street parking along Clingman Avenue. The elimination of that informal parking is not an action by the City, but a component of the design of the project. The City does not have formalized on-street parking along Clingman Avenue. She said that this section of roadway is in some phase of the design for the RADTIP and is being evaluated for complete streets treatments. She also noted that people can park on the other side of Clingman Avenue.

Mr. Matt Sprouse, agent for the project, provided the Commission several current views of the property, along with detailing the conceptual drawings of the proposed site improvements, plan for the parking decks, street elevations, and views from the property. He said that there will be a total of 209 residential units that will fall within the workforce housing definition of Asheville. There is 223,882 square feet of total space, and of that 54,000 is commercial and office space. All of that together has a total of 377 new parking spaces, most of which are in the deck.

When Vice-Chairman Goldstein asked if the project will be phased in since there are seven buildings, Mr. Sprouse said that to his knowledge the project will be built as one - at least Buildings A-F as they rely on the structure of the parking.

In response to Mr. Minicozzi, Mr. Jeff Dalton, architect, explained how garbage will be handled in the structures.

Mr. Minicozzi mentioned that the 2025 Plan mentions utilizing self-financing bonds for the WECAN infrastructure. He asked if any Tax Increment Financing is part of this plan. Ms. Bernstein said that is not part of this current proposal. Mr. Sprouse said that from a timing standpoint, he could not say what would be possible.

Vice-Chairman Goldstein opened the public hearing at 6:15 p.m.

In response to a gentlemen, Mr. Sprouse explained the different components of the seven buildings. In addition, Planning & Development Director Judy Daniel responded to a separate question stating that the City is not involved in setting the parking rates for the parking structure.

Mr. Robert Todd, Chairman of the Public Art & Cultural Commission, said that since this is such a visible property, he encouraged the design team and developer to work hard to integrate public art on private property and to utilize local artisans for creating bike racks, signage, proponents to the building, planters, benches, etc.

Mr. Joseph Ransmeier, owner of a woodworking business at Roberts Street & Park Avenue, felt it was a missed opportunity not to have any storefronts abutting Park Avenue.

Vice-Chairman Goldstein closed the public hearing at 6:21 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Vice-Chairman Goldstein moved to recommend approval of the conditional zoning from Commercial Industrial District and River District to Urban Place District/Conditional Zoning at the intersection of Clingman Avenue Extension and Roberts Street for a project known as RAD Lofts, including the request to increase the maximum building footprint, subject to the conditions recommended by staff and the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (6) Existing granite curbs must be reused on site or turned over to the Public Works Department for use in the local historic districts. This motion was seconded by Mr. Edwards and carried unanimously on a 5-0 vote.

- (4) A request for Conditional Zoning from Highway Business District to Highway Business District/Conditional Zoning on 2.005 acres at 329 Rockwood Road for the construction of a Holiday Inn Express and Suites. The request is being made to facilitate the development of a 60,474 square foot, 100 room hotel at a height of 82'-8". The applicant is requesting a modification to the building height standards specified in Section 7-8-19(f)(7) to allow the requested building height. The owner is listed as PMHB, LLC. The project contact is Justin Church. The property is identified in the Buncombe County tax records as PIN 9643.75-1885.**

Urban Planner Julia Fields oriented the Commission to the site and said that the project site of approximately 2 acres is located at 329 Rockwood Road (PIN 9643.75-1885) and is zoned Highway Business (HB) District. It is located adjacent to a major shopping area which has its main entrance off of Airport Road.

A seven-story, 100 room hotel (Holiday Inn and Suites) is proposed for the site. The proposed structure has a gross floor area of 60,474 square feet. The building, as designed is 82'8" in height necessitating a modification from the HB standards (60 feet height maximum). The reason for the conditional zoning is to request this modification. A request for a Determination of No Hazard to Air Navigation from the Federal Aviation Administration is pending. This must be granted regardless of zoning action by the City.

Access to the hotel will be via an access drive (30 to 24 feet in width) shared with the restaurant located on the adjoining property off of Rockwood Road. There is a traffic signal from Airport Road onto Rockwood Road. The closest traffic signal is a few hundred feet to the east, at the entry to the major shopping area. There is access to Rockwood Road from that area, although a bit indirect.

A total of 97 vehicle parking spaces (4 handicapped) are provided. All spaces are surface parking. Parking for 5 bicycles is also planned.

Proposed landscaping meets the relevant standards for street trees, parking lot landscaping and building impact landscaping. The open space requirement of 15% (13,068 square feet) is exceeded. Plans are to provide 15,043 square feet in open space.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

The proposal has been reviewed by the City of Asheville Technical Review Committee and meets, or can meet, all applicable regulations concerning health and safety. A required Determination of No Hazard to Air Navigation (FAA) is pending.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

There are no significant natural or topographic features on the site or in the vicinity.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

The proposed use should not injure the value of adjoining or abutting property. The site is in an area heavily developed with large commercial and industrial uses. Another hotel is being constructed across Rockwood Road.

4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

While the proposed structure is taller than other existing structures in the area, the size and bulk are compatible with other development in the regional node found at the intersection of Airport Road and I-26. It is adjacent to Buncombe County zoning that allows a height of 90 feet and perhaps the City should reconsider the zoning of areas close to I-26 in the future.

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

The comprehensive plan depicts the Airport Road/I-26 area as a regional node. This project is supportive of that concept and of the objective of placing large commercial uses in appropriate areas adequately served by public utilities and transportation resources with easy access to the interstate highway system.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

The proposed use is located off of a high traffic corridor (Airport Road) with quick access to Interstate 26. The project has received approval from the City's Technical Review Committee concerning issues of water, fire, and police protection.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

A traffic impact analysis was not warranted for this development. No concern was raised at the Technical Review Committee Meeting concerning traffic.

The City of Asheville Technical Review Committee reviewed this project on September 16, 2013 and recommended it with conditions. Many of these conditions have been met in the plans resubmitted for the Planning and Zoning Commission. No one has contacted the Planning Department staff concerning this issue.

Pros:

- ? The proposal places a major service operation in an appropriate regional development node.
- ? The proposal supports the comprehensive planning goal of placing large commercial uses in areas adequately served for such uses.

Con: None noted.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable and recommends approval of the conditional zoning request with the modification to height and with the conditions set forth in the TRC report and the standard conditions listed below.

There was considerable discussion, initiated by Mr. Minicozzi of possibly having a sidewalk (which he showed on the plan) to walk to the variety of restaurants in the area. City Traffic Engineer Jeff Moore said that the sidewalk would have to be constructed to meet the Americans with Disabilities Act requirements and at that location the sidewalk could not be constructed to meet that requirement.

Vice-Chairman Goldstein opened the public hearing at 6:39 p.m. and when no one spoke, he then closed it at 6:39 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Mr. Minicozzi moved to recommend approval of the conditional zoning from Highway Business District to Highway Business District/Conditional Zoning at 329 Rockwood Road for the construction of a Holiday Inn Express and Suites, pending FAA approval and, including a modification on building height standards, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (6) explore constructing a sidewalk at the location Mr. Minicozzi pointed out if it's legally permissible. This motion was seconded by Ms. Shriner and carried unanimously on a 5-0 vote.

- (5) A request for an amendment to the Conditional Zoning on 2.93 acres located at 919 Haywood Road for the construction of Haywood Village. The request is being made to facilitate the development of 1 mixed-use building and 3 multi-family residential buildings and 8 single and duplex residential units with associated infrastructure and parking. The owner is Village on Haywood Development, LLC. The project contact is John Kinnaird, PE. The property is identified in the Buncombe County tax records at PIN 9638.05-0924.**

Director of Planning & Development Judy Daniel oriented the Commission to the site and said that the project that is currently on file was approved by City Council on August 14, 2007. That project was approved for 56 residential units and 10,000 square feet of commercial space. Work began and the first structure was constructed and addressed as 915 Haywood Road. The first phase of surface parking was also completed, but economic conditions held up further progress. In early 2011 the developer, F. Roger Page, died and family members have had the

property for sale since then. After the construction stopped, staff began to receive many inquiries from west Asheville residents concerning the unfinished site and from potential developers evaluating the approved requirements for taking the project to completion. The current proposal is the first to begin the process for an amendment to allow completion of the project. Its modifications reflect the changed market conditions of 2013.

Approved Site Plans 2006 and 2007 - As noted previously, the overall concept and layout for the site were developed during a design charrette held at the site over a four or five day period in early 2006. During the charrette over 100 west Asheville residents, including many from the surrounding neighborhood, participated in the process. A proposal was developed and approved in May of 2006. The 2006 plan was not ultimately built due to complications with the offer to purchase with the Diocese of Charlotte (property owners at the time) and later that year, the high cost estimates that came in for the structured parking areas under the commercial buildings.

The project was revamped and scaled back and returned in 2007 proposing 56 residential units and 10,000 square feet of commercial space. The project was similar to the earlier plan in that the mixed-use commercial structures faced Haywood Road and featured three, three-story buildings with commercial space on the ground floors and residential units on upper floors. Behind these large buildings, residential buildings were proposed ranging in size from three-story buildings (6 of this type) and smaller residential scale buildings surrounding the perimeter of the property. The placement of the smaller-scaled residential buildings was an important component of the plan because it allows the development to transition back to the scale of the surrounding residential area. The approval for this plan by City Council was unanimous.

Current Proposal 2013 - The current proposal increases the number of residential units and reduces the amount of commercial space over the 2007 approval. It proposes 75 residential units and up to 4,800 square feet of commercial space. The residential component (about 26 units/ acre) is up from 56 units approved (19 units per acre). The commercial space is reduced from the 10,000 square feet approved in 2007 to now include 2,800 s.f. in the existing building and 2,000 s.f. in the new building along Haywood Road. The commercial space will be at the ground-floor corner of the new building proposed at Mitchell Avenue and Haywood Road and within five ground floor live/work units in that structure. Fifteen residential units are proposed on the upper two floors of the new mixed-use building and seven residential units on the upper floors of the existing building.

Behind Haywood Road, the plan will follow the same general layout for circulation using the two existing driveways along Mitchell and Blue Ridge Avenues. On-site parking will be provided along a one-way private drive that circles the interior of the property. The parking plan proposes 107 spaces on the interior to augment the 10 existing spaces located on Haywood Road. This proposal is well within the approved range of required parking for a project of this size in the Urban Place District. There are three larger footprint three-story buildings in the center of the site that will include a total of 36 residential units (12 in each building). Twelve smaller residential units (4 duplexes and 4 single-family) will line the edge of the property and are designed to face the street that leads into the neighborhood beyond. The integration of the smaller scale residential units into the neighborhood fabric has been a consistent element of all of the plans for this site. The building elevations provided with the current submittal are similar in style and scale to the buildings approved in 2006 and 2007. The scale of the structures and building heights are all within the allowances for the Urban Place district.

At the Technical Review Committee meeting on September 16, 2013, the Transportation Department asked that the project engineer formally request a reduction in the sidewalk width along Haywood Road if it will not meet the 10' district standard for Urban Place. The project engineer noted the width of the sidewalk at the existing building (slightly less than 10 feet) and the existing on-street parking along the length of Haywood Street. Since the on-street spaces and the front half of the sidewalk is constructed, the back portion in front of the new building could comply with the standard width. The project architect noted that the new building will provide

variations in the façade to break up the scale of the building and that in places it will comply. He also noted that they would prefer the new building be aligned with the existing building on the block. Staff from Public Works and Transportation noted that the existing raised-curb planters could be re-worked to remove the curbing and that those areas would better comply with the sidewalk requirement. Transportation will consider the request when it is received from the project engineer.

Variances Previously Approved To Carry Forward:

- ? Property line buffer reduction- approved at 15 feet wide without a fence but planted with trees and shrubs maintaining the majority of the existing white pine trees, requested by neighborhood.
- ? Sidewalk width along Mitchell and Blue Ridge will be constructed at 6 feet wide due to existing trees and right of way constraints.
- ? Residential setbacks expanded in places to protect existing vegetation and to reflect the topographic changes from the residential side streets.
- ? Building Orientation- Approval for structures along the periphery of the site to be oriented to their public street frontage and structures internal to the site to be oriented towards their internal driveway access.
- ? Reductions in the percent of window openings for the residential buildings located within the interior of the site because the standard is intended to apply to mixed-use buildings.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.**
The project will meet City and State building code requirements and will not endanger public health and safety.
2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

The largest structures are focused along Haywood Road. The other large residential buildings will be internal to the site. Single-family scaled houses will be located along Mitchell Avenue and Blue Ridge Avenue. Some of the existing trees will be protected and retained on the property such as several white oaks, a large sycamore, white pines and maples.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**
The completion of this project even with the addition of more residential units is expected to be a benefit to the area and act as a positive catalyst for this portion of Haywood Road.
4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**
The largest structures will front along Haywood Road. Other residential buildings will be placed behind Haywood and internal to the property. Smaller scale single-family style residential buildings will face the neighborhood streets, larger multi-family structures will be on the interior of the site. This layout is similar to the original proposal which was created after an inclusive community design charrette for the site. This proposal is

substantially similar to the original plan.

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

The plan meets City Council adopted goals of higher density mixed-use development located on multi-modal transit corridors in areas of the city that are compatible with that growth and where there is infrastructure to support it. This is an in-fill site that has remained unfinished throughout this economic downturn and it will be a positive catalyst to have it completed.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

One transit line passes directly by this section of Haywood Road and two other connectors run nearby. Based on the approval in 2007, the project will provide a transit shelter along Haywood Road. Fire and police stations are located within a few hundred feet of the property. There is sufficient infrastructure to provide adequate facilities for the proposed development.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

The proposal has been reviewed by the City traffic Engineer and no concerns were raised about the amount of traffic generated. The project will not create undo congestion or create a hazard. Residents of and visitors to this site will have several transportation options available to them including transit, biking and walking so that should mitigate some of the traffic concerns.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Pros:

- ? A key distressed project will be completed with an amended development plan
- ? Higher density residential infill development will be added to a corridor designated for density bonus projects
- ? Neighbors and the community were involved in the creation of the plan in 2006

Con:

- ? Some concern has been expressed about additional traffic on neighborhood streets for each iteration of this proposal

Ms. Mathews questioned what criteria is used to determine if something comes forward as an amendment to a conditional zoning, or a new project. Ms. Daniels explained that it's a bit subjective by Planning staff.

Mr. John Kinnaird, agent, said that they tried to step the project down to more single family character on the exterior. He then responded to Mr. Minicozzi about the proposed uses in the buildings.

Mr. Robert Todd, architect, also spoke in support of the project.

Vice-Chairman Goldstein opened the public hearing at 6:53 p.m.

An area resident of Craggy Avenue was concerned about increase of traffic from the density of the development to the already very narrow cut-through roads. City Traffic Engineer

Jeff Moore said that this project did not require a Traffic Impact Analysis; however, Haywood Road is a primary N.C. Dept. of Transportation highway and should sustain the additional traffic. The resident also questioned the amount of open space that would be provided, which Urban Planner Alan Glines responded.

An owner of a commercial condo in the existing building on the site welcomed this development.

An area resident with two properties on Blue Ridge Avenue was pleased to see the site developed, but was also concerned about the density on the area residential streets that do not have parking.

An area resident on Craggy Avenue too was concerned about the cut-through traffic from Patton Avenue to Haywood Road. He felt the frontage along Haywood Road is out of character and the trees in the middle of the sidewalk should be removed.

Vice-Chairman Goldstein closed the public hearing at 7:04 p.m.

In response to Mr. Minicozzi regarding parking, Mr. Glines said that if there is a need for excess parking, perhaps something could be worked out in the future with the church across the street.

Ms. Mathews sympathized with the residents regarding cut-through traffic, noting that every neighborhood is subject to that.

Vice-Chairman Goldstein noted that one way to grow the tax base is to increase density, recognizing that increased density brings more people and traffic. He said that the City tries to increase density in an appropriate way. He did note that this plan is an overall smaller project than what was originally proposed.

Ms. Mathews said that the more we look to smart growth strategies and the planning being done along Haywood Road, we will have more opportunities to walk and bike and reduce the number of vehicular trips. We are all looking towards that direction as we look towards planning and zoning in the future.

Mr. Minicozzi acknowledged that area is an old community with narrow streets and a few sidewalks. He did note that this project does have sidewalks bordering on all sides, but the broader network problem in west Asheville is a complex problem to deal with when you think of all the issues in west Asheville. He encouraged residents to be a part of the process with the form based code.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Vice-Chairman Goldstein moved to recommend approval of the conditional zoning amendment at 919 Haywood Road for the construction of Haywood Village, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) This project will undergo final review by the TRC prior to the issuance of any site development permits; (3) All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee; (4) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape, utility and grading plans; and (5) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards. This motion was seconded by Ms. Mathews and carried unanimously on a 5-0 vote.

(6) Discussion Item - Overview of the Economic Development Incentives Project – Maggie Ullman

Chief Sustainability Manager Maggie Ullman provided the Commission with the background of the City's economic development incentives project. She said that the purpose of the incentives review is to evaluate the performance of previously given incentives, compare and evaluate Asheville incentives to best practices, design an effective communications plan to promote Asheville incentives and provide recommendations for Council consideration to improve the effectiveness of economic and community development incentives.

Goals include (1) Meet Council Strategic Goals (e.g. green, safe, affordable, community development, multi-modal); (2) Incentivize development and investment by the business community; (3) Support long term financial sustainability for the municipality; and (4) Create a customer service focused process to create and administer business and development incentives.

Process and Timeline

Proactive economic development incentives. We have a small handful of incentives, but some express that those tools and incentives are not working well. The PED asked staff to go over the current incentives on the books and evaluate them and then based on that best practices bring back a recommendation to Council.

A. Evaluate existing incentives - July, August, and September 2013

- ? Determine high and low performing existing incentives
- ? Recommended incentives to prioritize updating
 - Sustainability Fee Rebates
 - Land Use Incentive Grant
 - Sustainability Bonus
 - Public Water Line Infrastructure Grant
 - Business Development Grant
- ? Draft new public infrastructure incentive grant

B. Communication to Stakeholders - September, October 2013

- ? Share goal of project and scope of work with stakeholders
 - Stakeholders to date include: staff team, SACEE, Affordable Housing Committee, AARRC, Downtown Commission, P&Z, Board of Realtors, CIBO, Buncombe County, EDC
- ? Request stakeholders submit best practice examples and model ordinances to staff to inform research phase

C. Provide Update to PED - October 2013

- ? Update on Comprehensive Review Process
- ? Draft review of Infrastructure Improvement Grant

D. Research Best Practices and Determine Model Ordinances - Sept, Oct, Nov

- ? Work with School of Government - deliverable by Thanksgiving

E. Staff Work Sessions to Draft Recommendations for Updates to High Priority Incentives - December 2013

F. Write Recommendations - December 2013, January 2014

- G. Provide Update to PED- February 2014
- H. Present Staff Recommendations to Stakeholders for Review- March, April, May, June 2014
- I. Present Recommendations to Council- July 2014

Ms. Ullman asked the Commission to help her by pointing them in the right direction of incentives from other communities, or other best practices.

Ms. Mathews said that (1) we will be losing historic tax credits and that has been a huge economic engine in Asheville. If there were a way to encourage adaptive reuse of buildings or if the City could pick up that from the state; (2) list of stakeholders should include the American Institute of Architects; (3) maybe the huge economic downtown had an impact on the utilization of our economic development incentive policy; and (4) make sure what we give away we get back in a reasonable time.

Mr. Minicozzi suggested some local developers who have the built and are open to exploring new things and ask them if they know about the existing policy and if they do, ask them what made them decide not to use it.

Ms. Ullman asked the Commission send their thoughts to either her or Planning & Development Director Judy Daniel.

Other Business

Vice-Chairman Goldstein announced (1) worksession on October 15, 2013, at 11:00 a.m. in the 5th Floor Conference Room of City Hall; and (2) the next meeting on November 6, 2013, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 7:26 p.m., Mr. Minicozzi moved to adjourn the meeting. This motion was seconded by Ms. Shriner and carried unanimously on a 5-0 vote.